



NOXIOUS WEED MANAGEMENT AND REVEGETATION REQUIREMENTS FOR DISTURBED AREAS SHORT FORM

(Revised 2006)

I. PURPOSE:

The purpose of these requirements is to familiarize the person, agency, and/or local government unit hereafter called the Cooperator with the Gallatin County Weed Control District's Noxious Weed Management Plan as well as any legal requirements placed upon the Cooperator by the Montana County Noxious Weed Control Act (7-22-2101 through 2153) and Gallatin County Subdivision Regulations.

A secondary purpose is to allow the Gallatin County Weed Control District to determine if a potential noxious weed problem exists in an area to be developed/disturbed and to work with the cooperator in formulating a Noxious Weed Management and Revegetation Plan consistent (and realistic) with the Gallatin County Weed Control District's Noxious Weed Management Plan and the Montana County Noxious Weed Control Act.

II. DEFINITIONS:

BOARD: Gallatin County Weed Control Board.

DISTRICT: Gallatin County Weed Control District, which is in turn directed by the Gallatin County Weed Control Board and managed by a Weed Control Supervisor/Coordinator.

COMMISSIONERS: Board of County Commissioners.

NOXIOUS WEED: Any non-native plant species established or that may be established in the State which may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses or that may harm native plant communities and that is designated as a statewide noxious weed by rule of the Montana Department of Agriculture or as a district noxious weed by rule of the Board.

REVEGETATION: The act or process of seeding, planting, and/or otherwise reestablishing a cover of beneficial plants which may include the use of recommended plant species, proper methods/timing, fertilization, and the use of weed-free seed.

**NOXIOUS WEED
MANAGEMENT:** The planning and implementation of a coordinated program in order to manage the spread of noxious weeds which may include biological, chemical, cultural, and/or mechanical control methods or a combination thereof.

III. THE GOALS OF THE GALLATIN COUNTY WEED CONTROL DISTRICT:

The District recognizes and complies with the Montana County Noxious Weed Control Act and Administrative Rules (MCA 7-22-2101-2153) for all of its responsibilities and authority. A copy of this Act can be obtained from the Gallatin County Weed Control Office.

The goals of the District are threefold:

- 1) To **manage** the spread of noxious weeds while developing effective long- term integrated weed management programs that implement chemical, cultural, biological, and mechanical weed control techniques.
- 2) To **increase awareness and knowledge** of the Montana County Noxious Weed Control Act, noxious weeds and their impacts, and proper weed control techniques.
- 3) To **build and implement programs** that help promote cooperative efforts between groups, agencies, and individuals.

Methods to obtain these goals revolve around the development of an effective integrated weed management program that includes:

- Detecting, containing, and wherever possible eradicating infestations of category 1 and 2 noxious weeds.
- Managing noxious weeds on lands owned or controlled by the county or municipalities within the confines of the District, and along County, State, and Federal right-of-ways, stockpiles, and holding areas.
- Releasing and redistributing approved Biological Control Agents.
- Using and promoting proper chemical, mechanical, and cultural control techniques.
- Providing educational presentations and information.
- Offering programs to help residents in Gallatin County manage noxious weeds.
- Implementing combinations of these and/or other noxious weed control techniques, programs, and practices to work together to manage noxious weeds.

Further information can be obtained from the Noxious Weed Management Plan of the District.

NOXIOUS WEEDS IN GALLATIN COUNTY

Category 1 Weeds

- 1) Canada Thistle
- 2) Field Bindweed
- 3) Whitetop
- 4) Leafy Spurge
- 5) Russian Knapweed
- 6) Spotted Knapweed
- 7) Diffuse Knapweed
- 8) Dalmation Toadflax
- 9) St. Johnswort (Goatweed)
- 10) Sulfur Cinquefoil
- 11) Houndstongue
- 12) Ox-eye daisy
- 13) Common tansy
- 14) Yellow Toadflax

Category 2 Weeds

- 15) Dyers Woad
- 16) Purple Loosestrife
- 17) Tansy Ragwort
- 18) Meadow Hawkweed
- 19) Orange Hawkweed
- 20) Tall buttercup
- 21) Tamarisk
- 22) Perennial Pepperweed

Category 3 Weeds

- 23) Yellow Starthistle
- 24) Common Crupina
- 25) Rush Skeletonweed
- 26) Yellow flag iris
- 27) Eurasian watermilfoil

Category 4 Weeds

- 28) Meadow Knapweed
- 29) Poison Hemlock
- 30) Musk Thistle

IV. REQUIREMENTS MANDATED BY STATE LAW:

- 1) **MCA 7-22-2116. Unlawful to Permit Noxious Weeds to Propagate.**
 - (a) It is **unlawful** for any person to **permit** any noxious weed to propagate or go to seed on their land, **except** that any person who adheres to the noxious weed management program of their District or who has entered into and is in compliance with a noxious weed management agreement is considered to be in compliance with this section.
 - (b) When property is offered for sale, the person who owns the property shall notify the owner's agent and the purchaser of the existence or potential existence of noxious weeds on the property offered for sale.
- 2) **MCA 7-22-2152. Revegetation of Rights-of-Way and Disturbed Areas.**
 - (1) Any state agency or local government unit approving a **mine, major facility, transmission line, solid waste facility, highway, subdivision, or any other development** resulting in significant disturbance of land within a District shall notify the Board.
 - (2) Whenever any **person** or **agency** disturbs vegetation on an easement or right-of-way within a District by construction of a **road, irrigation or drainage ditch, pipeline, transmission line, or other development**, the Board shall require that the disturbed areas be seeded, planted, or otherwise managed to **re-establish** a cover of beneficial plants.
 - (3) a. The person or agency disturbing the land shall submit to the Board a **written plan** specifying the methods to be used to accomplish revegetation. The plan must describe the **time** and **method** of **seeding, fertilization** practices, **re-commended** plant species, use of **weed-free** seed, and the **weed management procedures** to be used.
b. The plan is subject to approval by the Board, which may require revisions to bring the revegetation plan into compliance with the District Weed Management Plan. Upon approval by the Board, the revegetation plan must be signed by the chairman of the Board and the person or agency responsible for the disturbance and constitutes a binding agreement between the Board and such person or agency.

V. REQUIREMENTS OF THE GALLATIN COUNTY WEED CONTROL BOARD FOR DISTURBED AREAS:

- 1) The District requires that any State Agency or Local Government unit approving a **mine, major facility, transmission line, solid waste facility, highway, subdivision, or other development** resulting in significant disturbance of land within the District shall **notify** the board **before construction/work begins**.
- 2) The District requires that **any person** or **agency** disturbing vegetation on an easement or right-of-way within the District by construction of a **road, irrigation or drainage ditch, pipeline, transmission line, or other development**, shall **re-establish** a cover of beneficial plants in a manner and timing **approved** by the Board.
- 3) The District requires that any person or agency **disturbing** the land shall submit to the Board for approval a Noxious Weed Management and Revegetation Plan **before construction/work begins**. This plan must specify the methods to be used for:
 - the revegetation of disturbed areas,
 - the management of noxious weeds already infesting the land(s) in question or that may arise during the development/construction/disturbance of that land.

A copy of the Noxious Weed Management and Revegetation Plan for Gallatin County accompanies this document. Please include a map of the land(s) being developed/disturbed when submitting this plan to the Gallatin County Weed Control Office.

VI. SUBDIVISION PLANNING REQUIREMENTS OF THE GALLATIN COUNTY WEED CONTROL DISTRICT:

NOTE: **Noxious Weed Management and Revegetation Plans** and **Memoranda of Understanding** are reviewed, approved and/or disapproved at the Weed Control Board monthly meeting. Submit completed **Noxious Weed Management and Revegetation Plans** and **Memoranda of Understanding** for review, **at least 30 business days** prior to the Weed Control Board monthly meeting. The Weed Control Board monthly meeting is scheduled on the 1st Thursday of each month.

1) Requirements for Subdivision and Preliminary Plat Approval

(a) Prior to construction/disturbance, a **Noxious Weed Management and Revegetation Plan** must be completed by the Cooperator and submitted to the Gallatin County Weed Control Office.

This plan must specify the methods to be used for:

- the revegetation of disturbed areas within the subdivision
- the management of noxious weeds already infesting land(s) within the subdivision or that may arise during the development of the subdivision.

This plan is subject to approval by the Board, which may require revisions to bring the plan into compliance with the District's Noxious Weed Management Plan and the Montana County Noxious Weed Control Act. This plan also indicates that the cooperator is **familiar** with:

- The District's Noxious Weed Management and Revegetation
- Requirements for Disturbed Areas
- The Noxious Weed Management Plan of the District
- The relevant sections of the Montana County Noxious Weed Control Act.

A Noxious Weed Management and Revegetation Plan accompanies this document. Please include a copy of the **subdivision plat** when submitting the Noxious Weed Management and Revegetation Plan to the Gallatin County Weed Control Office.

(b) Prior to Final Plat approval a **Memoranda of Understanding** (included) must be entered into by the District and the Cooperator indicating that the Cooperator has been informed of and is in compliance with:

- The Noxious Weed Management and Revegetation Plan submitted by the Cooperator
- The District's Noxious Weed Management and Revegetation Requirements for Disturbed Areas
- The Noxious Weed Management Plan of the District
- The Montana County Noxious Weed Control Act

With submittal of the Memoranda of Understanding include:

- Copy of the subdivision covenants regarding noxious weed management (see Section VI, 2, of this document for covenant requirements).
- Documentation that the Weed Management and Revegetation Plan (WMP) has been implemented. Documentation should include date(s) when weed control and/or revegetation methods listed in the WMP were completed. If applicable, provide name(s) of contractors who completed the work.

2. Noxious Weed Requirements for Subdivision Covenants

In order to comply with the Noxious Weed Management Plan of the District and the Montana County Noxious Weed Control Act, the District requires that the following items be addressed in the covenants of each subdivision within Gallatin County.

(a) Landowners are responsible for noxious weed control on their own individual lots as stated in the Montana County Noxious Weed Control Act (7-22-2116) and according to the District's Noxious Weed Management Plan,

(b) The Owners Association* is responsible for noxious weed control in all parks, open spaces, community areas, trails and roadways within the subdivision. If there is no Owners Association then the landowners as a whole are responsible for noxious weed control in the parks, open spaces, community areas and trails. Each landowner is then responsible for the subdivision roadway adjoining their property. The Owners Association will also act as the contact point for any noxious weed complaints within the subdivision.

Covenants are as follows:

"The control of noxious weeds by the Owners Association on those areas for which the Owners Association is responsible and the control of noxious weeds by individual owners on their respective lots shall be as set forth and specified under the Montana Noxious Weed Control Act (MCA 7-22-2101 through 7-22-2153) and the rules and regulations of the Gallatin County Weed Control District. The landowner shall be responsible for the control of the state and county declared noxious weeds on his or her own lot. Both unimproved and improved lots shall be managed for noxious weeds. In the event a landowner does not control the noxious weeds, after 10 days notice from the Owners Association, the Owners Association may cause the noxious weeds to be controlled. The cost and expense associated with such weed management shall be assessed to the lot and such assessment may become a lien if not paid within thirty (30) days of the mailing of such assessment. The Owners Association is responsible for control of state and county declared noxious weeds in the subdivisions parks, open spaces, community areas, trails, and roadways."

*(Note: Owners Association refers to the subdivisions Homeowner, Business, Property Association, etc. as named in the subdivisions covenants or recorded on the plat.)



**SUBDIVISION NOXIOUS WEED MANAGEMENT AND
REVEGETATION PLAN (PRELIMINARY PLAT APPROVAL)
SHORT FORM**
(Revised May 2006)

Projected date for Preliminary Plat application _____

Date Plan received _____

Before construction/disturbance begins, please complete and submit a copy of the Noxious Weed Management and Revegetation Plan to the Gallatin County Weed Control Office for review by the Board. This plan may require revision to meet the requirements of the Noxious Weed Management Plan of the District, and the Montana County Noxious Weed Control Act. Upon approval by the Board, this plan must be signed by the Chairman of the Board or appointed Representative in cooperation with the agency responsible for the disturbance and constitutes a binding agreement between the Board and such person or agency.

A) GENERAL INFORMATION

1. Name of Cooperator: _____
(Print Full Name and Name of Company) (Contact Person)

(Address - City - State - Zip) (Telephone)

2. Geographic Location to be covered by this Plan:

Legal Description: _____ 1/4, _____ 1/4, Sec. _____, T. _____ N/S, R. _____ E/W

If applicable include the name and address of the Subdivision:

3. Land Use (Please check the appropriate box(s))

(a) Previous or Historical Land Use

Agriculture ☐ Residential ☐ Commercial ☐ Pasture non-crop ☐ Other ☐

Please explain _____

(b) Future Land Use

Agriculture ☐ Residential ☐ Commercial ☐ Pasture non-crop ☐ Other ☐

Please explain _____

Is a Map of the Area or a Copy of the Subdivision Plat Attached? Yes ☐ No ☐

5. Has the Cooperator been informed of the District's Noxious Weed Management Plan and Revegetation Requirements for Disturbed Areas? Yes ☐ No ☐

6. Has the Cooperator been informed of the Noxious Weed Management Plan of the District?
Yes ☐ No ☐

7. Has the Cooperator been informed of the relevant sections of the Montana County Noxious Weed Control Act? Yes ☐ No ☐

8. Has the Cooperator submitted a noxious weed location map and inventory? Yes ☐ No ☐

9. Has the Cooperator attached written estimates of weed control and revegetation costs?
Yes ☐ No ☐

B) NOXIOUS WEED MANAGEMENT PLAN

- 1) Are noxious weeds present on the property? Yes ☐ No ☐ Unknown (due to snow cover) ☐
If yes, list which species and the approximate size of infestation(s). Attach map showing location of noxious weeds on property. If unknown due to snow cover, Cooperator will submit a completed noxious weed inventory and explanation of control methods for approval by the Weed Control District by May 15th of the upcoming field season.

(Gallatin County noxious weeds are listed in section III of Noxious Weed Management & Revegetation Requirements)

2. Briefly explain the noxious weed control method(s) to be used on noxious weeds already existing on the property or that may arise during construction/development/ disturbance of the property. Note: If noxious weeds already exist on the property outline the infestation(s) on a map of the property or on a subdivision plat map.

IS PROPERTY FALLOW OR IN SMALL GRAIN PRODUCTION? YES ☐ NO ☐
IF PROPERTY IS FALLOW OR IN SMALL GRAIN PRODUCTION THE FOLLOWING MANDATORY CONDITION OF APPROVAL APPLIES: If property is fallow, in stubble, or in small grain production, once agricultural production ceases, that area of the property not under immediate development will be planted to a grass seed mix as approved by the Weed District. See Revegetation Section, C. 1., for complete details regarding reseeding and grass reestablishment requirements.

Please complete the appropriate section(s) corresponding to the noxious weed management methods mentioned above.

(a) Herbicide Control:

* Noxious Weed _____ Chemical Name _____ Rate _____

* Noxious Weed _____ Chemical Name _____ Rate _____

* Noxious Weed _____ Chemical Name _____ Rate _____

* Noxious Weed _____ Chemical Name _____ Rate _____

* Noxious Weed _____ Chemical Name _____ Rate _____

* Timing and method of treatment(s): _____

Herbicide control work done by- **Self** ☐ or **Contracted** ☐ Name of Contractor _____

Estimated cost of herbicide control:

Year One: _____

Year Two: _____

Year Three: _____

Total: _____

Estimate provided by: _____

(Attach written estimate to Weed Management and Revegetation Plan)

(b) Cultural/Mechanical Control:

* Methods of weed control _____

* Timing of control method(s): _____

Cultural/Mech control work done by- **Self** ☐ or **Contracted** ☐ Name of Contractor _____

Estimated cost of cultural/mechanical control:

Year One: _____

Year Two: _____

Year Three: _____

Total: _____

Written estimate provided by: _____

(Attach written estimate to Weed Management and Revegetation Plan)

(c) Biological Control:

* Biological control agent(s) _____

* Timing of the release(s) of the Bio-control agent(s): _____

* Weed control method(s) used to control weed spread while insects establish: _____

Biological control work done by- **Self** ☐ or **Contracted** ☐ Name of Contractor _____

Estimated cost of Biological control:

Year One: _____

Year Two: _____

Year Three: _____

Total: _____

Written estimate provided by: _____
(Attach written estimate to Weed Management and Revegetation Plan)

(d) Total Estimated Costs of Weed Control (Herbicide + Cultural/Mechanical + Biological) for three (3) Years:

Year	Herbicide	Cultural/Mechanical	Biological
1			
2			
3			
Total			

Total: _____

C) REVEGETATION PLAN FOR DISTURBED AREAS

Are there any disturbances planned? No ☐ Yes ☐ If yes please use long form and complete revegetation section.

MANDATORY REVEGETATION REQUIREMENTS: Areas disturbed during subdivision development (road construction, pond construction, service/utility/gas/electric/telephone line installation) will have a 6" (six inch) layer of topsoil redistributed onto disturbed areas. Disturbed areas will be seeded to a grass seed mix as approved by the Weed District. In conjunction with the grass seeding, during the first and second years of grass establishment, and in the third week of June and in the fourth week of July, the areas seeded to grass will be mowed to prevent weed seed development and dispersal.

D) APPROVAL OF NOXIOUS WEED MANAGEMENT AND REVEGETATION PLAN

APPROVED ☐ APPROVED WITH RECOMMENDATIONS ☐ NOT APPROVED ☐
AND/OR CONDITIONS.

RECOMMENDATIONS AND/OR CONDITIONS:

The submitted Weed Management and Revegetation Plan is valid for three (3) years from date of approval by the Gallatin County Weed District. If prior to Final Plat approval a new Cooperator or Landowner becomes involved in the subdivision development process the new Cooperator or Landowner must resubmit a Weed Management and Revegetation Plan for approval by the Gallatin County Weed District.

Prior to expiration the Cooperator and Landowner must submit a new Weed Management and Revegetation Plan for approval by the Gallatin County Weed District.

Upon **Approved** or **Approved With Recommendations/Conditions** the Cooperator agrees to comply with the above submitted Noxious Weed Management and Revegetation Plan.

The Cooperator will submit a year-end status report of the noxious weed control and revegetation that was completed within the subdivision to the Gallatin County Weed District by December 15th of each year.

(Signature of Weed Board Chairman/Representative)

(Signature of Cooperator)

Type/print name of Chairman/Representative)

(Type/print name of Cooperator)

(Date)

(Date)

(Signature of Landowner)

(Type/print name of Landowner)

(Date)

With submittal of the Memoranda of Understanding for final plat approval the Cooperator will provide:

- 1. Documentation that the above Weed Management & Revegetation Plan has been implemented.**
- 2. Copy of subdivision covenants that apply to noxious weed management.** _____

Cooperator Initials